

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Phase Four Industries, Inc,

NO. C 04-04801 JW

Plaintiff,

**ORDER TO SHOW CAUSE RE:  
SETTLEMENT**

v.

Marathon Coach Inc.,


Defendant.

On September 24, 2007, the parties appeared before Magistrate Judge Seeborg for a settlement conference. The parties reached a settlement and the settlement was placed on the record. (See Docket Item No. 184.) In light of the settlement, the Court vacates all trial and pretrial dates. On or before **December 3, 2007**, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **December 17, 2007 at 9:00 a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before **December 3, 2007**, the parties shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file the dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated.

1 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss  
2 this action.

3  
4 Dated: October 4, 2007

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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6 **Dated: October 4, 2007**

**Richard W. Wieking, Clerk**

7  
8 **By: /s/ JW Chambers**

**Elizabeth Garcia**  
**Courtroom Deputy**